

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:) NO: 10-51774-399
) CHAPTER 13
MARK & NINA VOGEL)
DEBTOR) Original Confirmation: 12/6/2010

TRUSTEE'S OBJECTION TO CONFIRMATION

Comes now John V. LaBarge, Jr., Standing Chapter 13 Trustee, and states as follows:

1. The plan falls almost \$300,000 short of paying secured and priority debt in full because the plan fails to provide any special treatment for the scheduled secured debt other than the debt to One West secured by Debtors' home. In addition, One West has filed a proof of claim which lists pre-petition arrears in an amount that exceeds the plan base such that the plan does not contain enough funds to pay even this one debt.

2. Schedule B values Debtors' 100% ownership interest in Vogel Properties LLC at \$0, but per St. Louis County Assessor, the LLC's commercial real estate located on Dalton Industrial Drive is worth \$600,000, which significantly exceeds the debt owed by the LLC.

3. Debtors have not provided a detailed statement to support the \$8,675 in business expenses listed on line 16 of Schedule J. The official form states that a detailed statement should be attached to Schedule J. Debtors have provided the

Trustee with statements of actual expenses paid in the six months prior to filing, but during these months Debtors paid varying amounts on the business mortgages such that it is not possible to reconcile these statements to the business expense amount on Schedule J, which should include the actual mortgage payments due each month.

4. Paragraph 4 of the plan calls for payment of \$250 attorney fees, but should only provide for payment of \$200 in attorney fees. This error causes paragraph 4 to provide for payment of more than the \$2,000 maximum and causes the plan to pay \$50 more in attorney fees than is allowed without a fee application.

Wherefore the Trustee prays that the Court deny confirmation of the Chapter 13 plan.

/s/ Diana S. Daugherty
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above objection was served this 18 day of January 2011, either electronically through the Court's system or by depositing same in the U.S. mail, postage pre-paid, addressed to:

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/s/ Diana S. Daugherty